REMARKS

Favorable reconsideration in view of the previous amendments and following remarks is respectfully requested.

Claims 13-22 are pending. By this Amendment, claims 1-12 are canceled and claims 13-22 are added. Claims 13, 19 and 22 are independent. Support for new claim 13 can be found in original claims 1-4, 7 and 8 and at least paragraphs 27, 29 and 30 of the as-filed specification. See also Figs. 4A and 4B. Support for new independent claim 19 can be found in original claims 1-4 and 8 and paragraphs 27 and 30 of the as-filed specification. Support for new independent claim 22 can be found in original claim 1 as well as Figs. 1 and 2 of the as-filed specification.

The Examiner objects to claims 5-8 as being in improper form. Applicants note that a Preliminary Amendment was filed July 19, 2006 which removed multiple dependencies from the claims.

The Office Action rejected claims 1-4 and 9 under 35 U.S.C. § 102(b) over U.S. Patent No. 4,727,226 to Comtois et al. This rejection is respectfully traversed.

Applicants' independent claim 13 is directed to a modular switching device comprising a plurality of interconnected modules. The modules include a control device module and a pole cell module. The modules of the switching device are interconnected with a shaft adapted to transfer a torque required for operating the switching device from one module to another module. Each module includes a shaft element. The shaft transferring the torque is composed of directly interconnected shaft elements. Both ends of a shaft element of each module are provided with a connecting member for connecting the shaft element to a shaft element of an adjacent module. A connecting member provided at a first end of the shaft element

of each module is a male connecting member of a grooved shaft type having a plurality of teeth. A connecting member provided a second end is a female connecting member adapted to be connected to a male connecting member of an adjacent module. The shaft element of each module includes means for connecting the shaft element to a shaft element of an additional module. The means for connecting the shaft element to a shaft element of an additional module includes at least one universal tooth formed on the male connecting member of the shaft element of each module. A counterpart member for the at least one universal tooth is formed at the female connecting member of the shaft element in each module. The at least one universal tooth has a shape different from the shape of the rest of the plurality of teeth formed on the male connecting member of the shaft element.

Such features encompass Applicants' exemplary embodiment as illustrated in Figs. 1-4 wherein control device module 2 includes a main shaft element 6 having a male connecting member 8 with teeth 12 and recesses 14. Another end of the main shaft element includes a female connecting member 10. As shown in Fig. 4A, a male connecting member 8 of the main shaft element 6 includes universal tooth 16.

This combination of features is not disclosed in the Comtois patent. The coupling piece 10 of Comtois does not include a universal tooth formed on a male coupling element 14.

Applicants' independent claim 19 is distinguishable over the Comtois reference for reasons similar to those discussed above with respect to independent claim 13.

Applicants' independent claim 22 is directed to a modular switching device including a plurality of interconnected modules including a control device module and

a pole cell module. The modules of the switching device are interconnected with a shaft adapted to transfer a torque required for operating the switching device from one module to another module. Each module includes a shaft element. The shaft transferring the torque is composed of directly interconnected shaft elements. Each of the modules is an independent module having six walls and is shaped substantially as a rectangular parallelpiped.

Such features encompass Applicants' exemplary embodiment as illustrated in Figs. 1 and 2. The Comtois patent discloses a protective switch where each module comprises either a cup of an A type or a cup of a B type. Each of the cups lacks at least one wall. Fig. 1 of the Comtois patent shows that the type B cup of pole P2 forms a right hand wall of the pole P1. The B type cup of pole P3 forms the right hand wall of the pole P2. The right hand wall of the pole P3 is formed by lid C. Adjacent modules of the switching device in the Comtois patent share a common side wall and consequently the modules are not independent modules, the place of which could freely be exchanged. In addition, the B type cup has an engagement projection D which is not present in the A type cup. Thus, a pole having an A type cup can only be the outer most module on the left side as shown in Fig. 1 of the module switching device. Pole P3 of the Comtois patent includes a type B cup and a lid C. It is not possible to connect a plurality of pole P3s together to form a module or switching device. The engagement projection D of cup B would prevent two pole P3s from being placed side-by-side.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite. For example, dependent claim 20

recites the switch module is an independent module having six walls and a shape substantially as a rectangular parallelpiped.

Early and favorable action with respect to this application is respectfully requested.

Should the Examiner have any questions regarding this Amendment or the application in general, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,

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Date: February 17, 2010 By: _____

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